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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,387	06/13/2001	Kevin Anthony Simms	98-PDC-168	6899

7590 01/28/2004

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170 Industry Drive, RIDC Park West  
Pittsburgh, PA 15275-1032

EXAMINER

NGUYEN, DANNY

ART UNIT	PAPER NUMBER
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2836

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/881,387

Applicant(s)

SIMMS ET AL.

Examiner

Danny Nguyen

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RW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-10 and 12 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The indicated allowability of claims 3-10, 12 are withdrawn in view of the newly discovered reference(s) to Engel (USPN 6,175,780) and Taguchi et al (USPN 4,929,092). Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engel in view of Taguchi et al.

Regarding claims 3, 4, 7, Engel discloses a thermal detecting system (e.g. fig. 1) comprises a plural pole circuit breaker (12), a lead bus bar (44), and a resistance temperature detector (RDT, e.g. col. 7, line 66) connected to the bus bar (44) and to an electronic circuit (e.g. circuit 10) that detects the resistance change in the temperature detector, which in turn sends a signal to shunt trip connected the circuit breaker (e.g. col. 7 and 8, lines 63-5), but Engel does not disclose a resistance temperature detector adhesive tape. Taguchi et al disclose a temperature detector circuit (e.g. fig. 2 and 3) comprises a resistance temperature detector adhesive tape (27, 28 and 31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the resistance temperature detector of Engel with the resistance

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temperature detector adhesive tape as taught by Taguchi et al because Taguchi teaches that the resistance temperature detector adhesive tape provides quick response and high reliability (see col. 1, lines 5-8).

Regarding claim 5-6, Engel discloses the bus bar (44) connected to the circuit breaker (10) and the RTD detector contacts the bus bar along part of the bus bar length (see fig. 2), the bus bar and the RTD detector contacts the bus bar at least near the circuit breaker (10), but Engel does not disclose a resistance temperature detector adhesive tape. Taguchi et al disclose a temperature detector circuit (e.g. fig. 2 and 3) comprises a resistance temperature detector adhesive tape (27, 28 and 31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the resistance temperature detector of Engel with the resistance temperature detector adhesive tape as taught by Taguchi et al because Taguchi teaches that the resistance temperature detector adhesive tape provides quick response and high reliability (see col. 1, lines 5-8).

Regarding to claims 8-10, 12, Engel discloses a thermal detecting system (e.g. fig. 1) comprises a power supply bus bars (44) having a predetermined current limiting connected to a plural pole circuit breaker (12) which contains a shunt trip module (e.g. 24 and 32), where each bus bar is contacted along at least part of its length with the resistance temperature detector (RDT, e.g. col. 7, line 66) that reacts to changes in temperatures, where a heat detector strip and to shunt trip module and shunt down the circuit breaker (12) if the temperature is greater than the current limit preset (e.g. col 5 and 6, lines 15-19 and lines 20-25), but Engel does not disclose a resistance

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temperature detector adhesive tape comprises at least two ininsulated metal . Taguchi et al disclose a temperature detector circuit (e.g. fig. 2 and 3) comprises a resistance temperature detector adhesive tape, which comprises two-ininsulated metal bar (27, 28 and 31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the resistance temperature detector of Engel with the resistance temperature detector adhesive tape as taught by Taguchi et al because Taguchi teaches that the resistance temperature detector adhesive tape provides quick response and high reliability (see col. 1, lines 5-8).

#### ***Allowable Subject Matter***

3. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danny Nguyen whose telephone number is (703)-305-5988. The examiner can normally be reached on Mon to Fri 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (703)-308-3119. The fax phone number for the organization where this application or proceeding is assigned is (703)-872-9306.

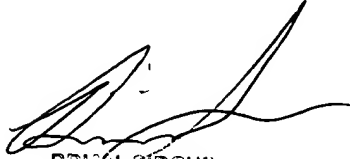
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0956.

DN

DN

01/15/2004



BRIAN SIRCUS  
SUPERVISORY TALENT DEVELOPER  
TECHNOLOGY CENTER 2800